BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 78 of 1905-06.

Appellant		*Respondent*
Hale Gowda	*Vs.*	Singe Gowda

Subject.

Claim to half the potgi allowance attached to the pateli office of Kadalagere in the French Rocks Sub-Taluk.

Facts of the case.

In 1889, the appellant and the respondent were appointed the Police and Revenue patels, respectively, of the village in question. In 1892, after the pakka potgi settlement, the question of the distribution of the potgi having arisen, the then Sub-Division Officer, Mr. Mahomed Ali, directed that the whole of the potgi allowance be paid to the Revenue patel, the respondent. Thereupon the appellant complained in 1897 and the then Sub-Division Assistant Commissioner, Mr. P. Srinivasa Rao, ordered in 1901 that the potgi should be divided equally between the appellant and the respondent. On appeal the Deputy Commissioner cancelled this order, holding that Mr. P. Srinivasa Rao had no jurisdiction to revise the order passed by his predecessor. On second appeal Government observed that the Deputy Commissioner, in reversing the Sub-Division Assistant Commissioner's order as above, did not adjudicate upon the point at issue, and in their Order No. R. 7451—Mis. 242-04-4, dated the 22nd February 1905, remanded the case to the Deputy Commissioner for disposal on the lines indicated in Government Order No. 10267-75—R. 1055, dated the 3rd January 1894. Thereupon the Deputy Commissioner upheld the order of Mr. Mahomed Ali passed in 1892. Hence this appeal.

Decision.

It is admitted that both are hakdar patels, one being appointed Revenue and the other Police patel. The question of the division of emoluments cropped up in 1892 after the settlement of the pakka potgi. The patels could not come to an amicable arrangement among themselves, and the Sub-Division Officer, French Rocks, directed the payment of the whole potgi to the respondent on the ground that he was the Revenue patel. Apparently there were no materials to decide the question on a consideration of the proportion of their respective shares in the pateli hak. The Revenue patel did not adduce any evidence to prove that he was entitled to the full amount of the potgi to the exclusion of the Police patel. Under the circumstances there is no justification for the order of the Sub-Division Officer of 1892 which was subsequently confirmed in appeal by the Deputy Commissioner Mr. Sparkes. The more equitable decision, having regard to the circumstances of the case, is to divide the potgi equally between the two patels, Revenue and Police. The order appealed against is reversed and the appeal allowed.

No. R. 14564—R. M. 228-05-4, dated 11th May 1906.

Copy forwarded to the Deputy Commissioner of the Mysore District, together with the records received with his letter No. 725, dated 8th January 1906.

B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.